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August 4, 2008

**VIA ELECTRONIC MAIL**  
**& HAND DELIVERY**

The Honorable Shira A. Scheindlin  
United States District Judge for the  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 1620  
New York, NY 10007

Re: In re: Methyl-Tertiary Butyl Ether (MTBE) Products Liability Litigation  
MDL No. 1358, Master File No. 1:00-1898 (SAS)  
*Plaintiffs' Pre-Conference Letter*

Dear Judge Scheindlin:

Plaintiffs respectfully submit this initial pre-conference letter in advance of the August 12, 2008, status conference.

**I. Settlement of remaining MDL cases**

The Miller Axline and Napoli Bern plaintiffs request the appointment of a special settlement master for their cases. The recent settlements by certain defendants in a number of the MDL cases were aided by the appointment of a special master. Since the initial settlement process began, the Court has decided a number of additional dispositive and pretrial motions that provide further context for settlement discussions. Accordingly, the Miller Axline and Napoli Bern plaintiffs respectfully request the Court's guidance at the August 12<sup>th</sup> status conference with respect to options for addressing settlement in the above-referenced cases, including the appointment of one or more additional settlement masters.

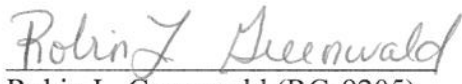
**II. New Focus Cases**

Although not all of the initial focus cases have been fully resolved, half of them have been, and the parties in *Tonneson* have scheduled a mediation session that may lead to resolution of that case. Because there is a realistic possibility that most of the current focus cases will be resolved short of trial, some of the plaintiffs respectfully request the opportunity to identify additional cases that can be brought to trial relatively quickly to ensure continuity and progress

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in the MDL proceedings. Accordingly, plaintiffs will be prepared to discuss at the August 12<sup>th</sup> conference the identification of additional focus cases that might be prepared for trial in relatively short order.

Respectfully submitted,

By:   
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